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No 162.

A Demonstration, that the Rights of Nature, and the Rights of Society are One.



IS no wonder, that Men, who in all Ages, and in almost all Countries, have been bred up under Tyrannies or Arbitrary Governments, and who have learn'd to look upon their Power as Sacred and Divine, should be debauched as much in their Religion and Morals, as they are in their Politics: Publick Good, according to their Apprehension, is as little the Measure or Rule of Government in the Universe as in the State: They have scarce a Notion of what is Good or Just, other than as more Will and Power have determined: Omnipotence, they think, would hardly be itself, was it not at Liberty to dispense with the Laws of Equity, and change, at Pleasure, the Standard of Moral Rectitude.

THAT Slaves to Tyrants should think thus, and have no Notion of Natural Rights, is, therefore, not to be admired at; but, that, in a Country of Liberty, the old Slavish Doctrine should be advanced of the Necessity of surrendering Natural Rights, in order to form a good Government, is very surprizing: We will then go through the Argument we are upon, and carry this Proposition to a Demonstration, That the Rights of Nature, and the Rights of Society are one; or, that Governments can have no Rights, but what Men had before they entered into Society, or erected Governments: And the Reason is this; that the Nature of Man is the same, and the Relation he stands in to other Men, is the same out of Governments as under Governments; the same, in a State of Nature, as in a State of Power, or a State of Laws: The same among the Savages (as we the greater Savages call them) as among the Europeans; and, consequently, their Rights arising absolutely from that Nature and that Relation, must be the same.

THIS is evident to every Man of common Sense; but let us put the Argument in another Light; for we can't see it in too many.

MEN, by Nature, are Equal and Independent, and, therefore, can have no Right over one another, either in their Lives, Liberties or Properties, till some of them have forfeited their own Rights, by invading those of others: Then, indeed, every Man has a Right to resist and punish the Invader; and 'tis exactly the same under all just and equal Governments; there is not one of these Rights taken away; for Governments were not instituted to destroy this natural Equality and Independency, but to preserve them; nor, to deprive us of our Right of Self-Defence and punishing the Offender, but, as our Sovereigns, more effectually to do them for us: In all Cases, where the Government can't interpose, we may defend ourselves, Resist, and Punish; and, where the Government can interpose, it ought to save us the Expence and Hazard; because, 'tis instituted, erected, and maintained for that Purpose only, the stronger Defence and more effectual Security, of all our natural Rights.

IN this, and in this alone, a State of Nature, and a State of Government differ, that the latter, being one common Power, armed and maintained for Defence, can more effectually secure our Persons and Properties, than Individuals are able to do, before they are thus united and become as one Man: The Difference is, in the better Security of our Rights, not in the Rights themselves: Whatever Liberty a Man had a Right to before he entered into Government, he must have the same afterwards; (because Power can't alter the Nature of Rights, only enforce them) and whatever Restraints are necessary or reasonable to be laid on Men by Governments, were full as necessary and reasonable in the State of Nature; for, the State of Nature is limited by the Law of Nature, or the Law of Reason; and exactly as much limited as it ought to be in Governments: Here lies the grand Point. Man, I say, is exactly as much limited by the Law of Nature, as he ought to be by Government; so that, when Sir William Temple says, Government is a Restraint upon Liberty; he could intend it in no

other Sense, than as the Law of Nature is a Restraint upon Liberty; that is, all unjust Liberty, or Licentiousness; for we are so much limited by the Law of Nature, as to have no Right to such a Use of our own Persons, Properties or Understandings, as is Inconsistent with the Use others have a Right to make of theirs; and, certainly, every Subject to Government ought to have such a Right in himself and his Possessions, as is consistent with the Rights of all the other Subjects. This is evident.

BUT to proceed: Men, in a State of Nature, have such a Right in their Persons and Properties, that nobody can justly make use of them without their own Consent; and 'tis the same in all good Governments: For they have no Right to the Use of any Man's Person or Property, or to any Share of it, without his own Consent; that is, the Consent of the People in Parliaments. In the Case of Invasions indeed, or any just Apprehension of a powerful Enemy, the Government has a Right to extraordinary Assistance, and ought to have it: But it would be the same in a State of Nature; for suppose 10,000 Men living together in an Island under the Law of Nature, without one common Power; yet, if they had Reason to believe, that a strong and powerful Prince intended to invade them, and overturn their Liberties, the Majority had a Right to the Service of the Persons and Properties of the Minority; that is, Reason bids them all fight, and hazard their Persons and Properties to defend their Liberties, without which Life is hardly worth a wife Man's keeping; so that Governments have no Right to any Man's Person or Possessions, or to any Use of the one, or Share of the other, but what Men, living together without Government, would have a Right to in the same Cases, and under the same Circumstances: This is also evident. Let us next consider, whether there is any Difference relating to Mens Right to the Use of their rational Faculties in a State of Nature and under Government; and I say, none at all: For, in a State of Nature, no Man has any Right to such an Use of his Understanding, as is inconsistent with another Man's Right to the Use of his Understanding; that is, he may publish any Opinions of his own, but not hinder another from publishing any Opinions of his own. He has no Right to prescribe, or give Law to any other Man; and 'tis the same in Governments: They have no Right to establish exclusive Opinions; by which is meant, they have no Right to establish any Opinions exclusive of the Right which other Men have to publish their's, tho' they happen to be against the general Opinions, or, the general Establishment: Nor have Governments, indeed, any Right to establish Opinions by Law, with Penalties annexed, nor to prohibit Opinions by Law, with penalties annexed, unless those Opinions naturally relate to the Well-being of the Society or Government; as in the Case of the Roman Catholics. All the Right they can have, is to declare and recommend their own Opinions, but nothing further; and the same Right every individual Man has in a State of Nature, and ought to have under every Government. The Sum of all is, there is not one Liberty which a Man hath a Right to in a State of Nature, but he ought to have a Right to by Law; nor ought there to be one Restraint laid upon a Man by Law, but what is laid upon him by the Law of Nature, or Reason of Things. And this must be necessarily true, unless it can be shewn, that there are Rights of Nature inconsistent with the Rights of Society; then, indeed, there ought to be a Surrender of natural Rights: But this is impossible, unless 'tis possible, that Rights arising from Reason can be inconsistent with one another; for Governments have no Rights but what arise from Reason; nor have Men, by Nature, any Rights but what arise from Reason; Reason is the same: Men are the same; and Governments ought to be the same; that is, they ought to recognize, establish and preserve all the Rights which Men are in Possession of by the eternal unchangeable Law of Reason; because, I say, these Rights cannot be inconsistent one with another.

'Tis affirmed indeed by the Author of the Occasional Paper, 'That, to suppose the Preservation of what are called natural Rights, the Rule of proceeding for the Good of the Community, is confounding a State of Nature with the Circumstances of a Society, and dissolving the Bands by which the Body Politick is held together.'

ther.' Here this Author, to serve a very bad Purpose against Dissenters from his Opinions, insinuates, that there are Rights of Nature inconsistent with the Rights of a Society. But let him assign one Instance, and I will undertake to shew, that the Instance he assigns is not a Right of Nature, or, that 'tis not a Right of Government. If he means, as I apprehend he does, that Men have a Right to Opinions in the State of Nature, or by the Law of Nature, which they have not a Right to in a Society, because of the different Circumstances of a Society, whenever he specifies those Opinions, or those Circumstances, I will shew, that if Men have a natural Right to publish them, they ought to have a legal Right to publish them; and that, if a Government is under such Circumstances as to render those natural Rights inconsistent with the Rights of any Part of the Subjects; then the Government is so far in bad Circumstances; and that, if the Bands of Society are dissolved by the Allowance of natural Rights; that then the Society is held together by very wicked Bands, and that those Bands ought to be dissolved: For the Truth is this, that every Government is more or less perfect, as it takes in, and secures more or less of our natural Rights. But that Government alone is perfect, which takes in, and secures all of them; consequently, there are no natural Rights inconsistent with any good Circumstances of a Government, nor with any just and reasonable Bands of a Society; for there are no just Bands of a Society but the mutual Acknowledgement, and sacred Observation of one another's Rights and Properties; nor any other End of Government but the more effectual Security of them: Nor (as Mr. Locke says, p. 174. of his Treatise on Government) 'are the Municipal Laws of a Country any farther right, than as they are founded on THE LAW OF NATURE, by which they are to be regulated and interpreted.'

F. OSBORNE.

The Passage relating to Dr. Waterland and Dr. Clarke in the first Column of our Paper of last Saturday, should run thus:

This Dr. Waterland knew, when, in order to demolish Dr. Clarke's self-evident Proposition, that whatever is necessary to Salvation, must be plain, threw Darkness over every thing, and affirmed, that nothing was plain; no, not the Evidence of natural Religion, or moral Good and Evil, nor the Evidences for the Existence and Unity of God.

And instead of Rights, Col. 1. l. 29. read Lights.

And in Col. 2. l. 25. read as follows: Whereas a State of Nature, or, a State according to Nature, is a State according to the Rules of eternal Wisdom and unvarying Reason; a State of just Liberty, not a State of wild Licentiousness: So that Sir William Temple, who is lugged in for saying, Government is a Restraint upon Liberty, meant only, a Restraint upon Licentiousness; for he could not mean, that Government was a Restraint upon the Law of Nature and Reason, &c.

Speedily will be published in this Paper,

The murdering Spirit of the Jacobite Party, exemplified in a Series of ASSASSINATIONS, Assassination Plots, and Attempts exciting the People to become Assassins, carried on under the Protection of the STUART FAMILY for near an Hundred Years past.

L O N D O N.

Yesterday a Dutch Mail brought these Advices.

Letters from Petersburg say, the Czarina has received an Express, with Letters from the King and Primate of Poland, thanking her for the Generosity and Disinterestedness with which she has supported the Liberties of that Republick, by sending her Troops into the Kingdom. — The Recruits order'd throughout the Russian Empire, being now all compleated, a Computation has been made, that the Number of new-raised Men there for the Year past only, is not less than 50,000; by which one may partly judge of the Extent and Populousness of that great Empire. They add the Advice, that Kouli Kan has made himself Master of Erivan, and thereby re-united all the Places the Turks had conquer'd, to the Kingdom of Persia.

From

From Stockholm, that the Dutch Envoy, M. Rumpf, is mighty importunate with his Swedish Majesty to take off the new Duties upon Goods imported into that Kingdom in Dutch Bottoms, and that to his Resontrances he adds Menaces, that otherwise the States General will be forced to use Reprisals, by laying new Duties on Goods imported into their Country from Sweden.

The Letters from thence add, that the Baron de Sparre, the Swedish Minister at the Court of Great Britain, is nominated to attend the Congress, if there be one, in Quality of Ambassador of Sweden, and that for this Purpose the Swedish Court has augmented his Salary, and made him a handsome Remittance to enable him to increase his Retinue.

They write from Dantzick, that the Court of King Stanislaus was to make a Figure upon Christmas Day in the Livery of France, and that the Primate of Poland is dangerously ill. 'Tis confirm'd, that the King of Poland intends to continue at Warsaw till the next General Dyet; the rather, because the Queen is too far gone with Child to remove to Saxony.

From Vienna we are told, that the Emperor insists strenuously upon the speedy Restoration of the Duke of Modena to his Dominions. That Duke's Attachment to the House of Austria has determin'd his Imperial Majesty to be his Friend at the Expence of his own Dominions: And indeed how could he do less, when that Duke declared, in Presence of several Persons, at his being obliged to abandon his Residence, *That he was sorry he had not more to lose for the Emperor's Service?* The Letters add, that the approaching Marriage of the Duke of Lorain to the Archduchess, engrosses so much of the Publick Attention, that they scarce mind the Negotiations of M. l'Estang, which, indeed, we are assur'd, are almost at a Stand, partly because the Court waits for the final Resolution of Spain, and partly because of the Necessity of consulting the Czarina and the King of Poland, as to the Manner and Form of King Stanislaus's Abdication.

It seems they have a Report at Vienna, that there has been a Minister at that Court from the King of Sardinia for a Fortnight past, with the necessary Powers for concluding an Accommodation with his Imperial Majesty; but that the Abbe Piombelli, who is there on the like Errand from the Court of Spain, is not like to succeed, because his Instructions and Powers are too much bounded.

Letters from Swisserland say, that the Disturbances in the County of Tockemburg, are broke out with more Fury than ever; and that the Mutineers have barbarously murdered two Persons of the greatest Distinction in that Country, viz. Captain Keller, formerly a Senator, and the Sieur Nicholas Riedlinger, not only a Senator, but High Bailiff and Stadtholder of Lichtensteig; the former a Papiist, and the latter a Protestant.

According to Advices from Spain, his Catholick Majesty is inclineable to an Accommodation, on Condition, that some Alteration be made in what has been stipulated with regard to Italy. The King has sent a Letter to the Duke de Montemar in Tuscany, to inform him that he approves of his Conduct; and that he shall soon know his Intentions more at large. They write from Madrid, that they don't remember any Juncture of Time when they had such a Crowd of Courtiers, one upon the Heels of another, as have arrived within this Month past. Those that mention the Celebration of the King's Birth-day on the 19th ult. N. S. say, that of all the foreign Ministers that went to compliment his Majesty upon that Occasion, none came up to the Splendor of the Duke de Sora-Buoncompagno, Ambassador from the King Don Carlos, who appeared in a rich Suit of Cloaths made at Paris, which cost him 12,000 Livres, and came in a Coach that was the finest that could be of the Kind. He had other stately Coaches for his Gentlemen and Domestic-ticks, and his Pages, &c. to the Number of Four-score, were all clad in rich Liveries; so that no Equipage was ever seen more magnificent, or any Retinue more splendid.

They write from Italy, that the Marshal de Noailles, who is preparing to set out from Tuscany for Rome, seeing the Duke of Modena at Bologna, told him on the Part of the most Christian King, *that he might return to his Dutchy whenever he pleased, Orders having been sent to the French Cavalry to retire from thence.*

They write from Bavaria, that by the late Mortality among the Black Cattle in that Electorate, above 50,000 Beasts have died, which has reduced a great many Peasants to the utmost Distress; but by the Invention and Application of proper Remedies, the Distemper begins to abate.

From Berlin, that, on the 3d Instant, N. S. the Man and the Woman that committed the barbarous Murder lately mentioned, on their Brother-in-Law, his Wife, and a Daughter of 11 Years old, had first their Flesh

torn to Pieces by red-hot Pinchers, and were then broke alive upon the Wheel.

By Letters from the Hague it appears, that notwithstanding the Assurances given to the Dutch Consuls at Messina, and all the Ports of the Spanish Monarchy, by Order of the Queen of Spain, of the extraordinary Regard that shall be shewn upon all Occasions to the Persons of their Subjects, and to their Trade and Navigation; and that tho' the Marquis de St. Gilles, the Spanish Ambassador at the Hague, says, this is but an Earnest of what they may further expect from the Friendship of his Catholick Majesty; yet their High Mightinesses have lately declared, That, as they have had no Share in the War, nor in the Measures taken for putting an End to it, they are resolved not to concern themselves in it for the future. Mean time the Spaniards in Holland don't stick to stay, that they shall find Ways and Means to rouse the Dutch out of their Non-chalance; and that, for this End, they think they need do no more than publish the Treaty concluded between France and Spain, at the Beginning of the War, which has been hitherto kept as a great Secret. They add, that the Imperial and French Ministers have made several grand Entertainments for each other during the Hollidays; and that tho' the Spanish Ambassador appeared at neither, the Sardinian Minister, the Count de Canale, was a Guest at all of them, and puts on as easy and gay an Aspect, as if the King his Master was rather a Mediator than one of the Principals in the War; by which, it seems, he has gained a general Esteem. As to the Augmentation that was said to be intended of the Dutch Forces by Sea and Land, 'tis now said, there will be a considerable Reduction in both, were it only to convince the World, that the States General are recovered out of that Pannick which they were under, upon the first News of the Negotiation at Vienna.

Sunday last died at Amsterdam, M. le Clerc, Professor of Philosophy and History, well known for the Number of excellent Tracts which he has published to the World. He was about 79 Years of Age, being born the 1st of March 1657, and has left Bibliothèques enough of his own compiling, to furnish out a good Library.

Yesterday Morning died at his House in Devonshire-square, Sir Richard Hopkins, Knt. Alderman of Lime-street Ward, Sub-Governor of the South Sea Company, and Governor of the London Assurance.

The Right Hon. the Lord Mayor will hold a Ward-mote on Monday, for the Choice of an Alderman in his room. The Candidates are Mr. Pomeroy, Deputy of that Ward; and Robert Willimote, Esq; one of the Representatives in Parliament for this City.

Yesterday Morning died at his House at Whitehall, Mr. Jenkins, Steward to the Right Hon. Sir Robert Walpole.

The same Day Jacob Wright of Wandsworth, Esq; was married to Miss Powes, Daughter of — Powes of Higham Ferrers in the County of Northampton, Esq; a beautiful young Lady, with a Fortune of 12,000 l.

And the same Day the Duke and Dutcheffs of Bridgewater arrived in Town, from their Seat in the County of Bucks.

As did also the Duke and Dutcheffs of Cleveland, from Bath.

The Oratory Subjects on Sunday Morning next, will be the Christianity of Abraham, the Youth of the Ages, the Year a Phoenix, the Glory of the future Age, the Fifth universal Empire, the History and Rise of New Year's Gifts, and the moral Use of the Circumcision: Then a Question for Conference, on an Argument held last Sunday on Christ's being unmarried; or, Arguments for the Codex, or upon Mr. Locke. — In the Evening, an Oration concerning MERLIN, &c. Publick Disputation, by two Gentlemen, "Whether the plain Account of the Sacrament be right in making it only a Memorial?" — The Adversaries to the plain Account, are invited to this Dispute; particularly the Author of a Letter to a Lord; any Gentleman may pronounce his Oration, or Thesis, deliver his Sentiments, or command a Subject for an Oration or Disputation.

Yesterday Bank Stock was 147. India 169 1-4th. South Sea 94. Old Annuity 110 to 1-8th. New ditto, nothing done. Three per Cent. 190. Emperor's Loan 110. Royal Assurance 102. London Assurance 13 1-8th. York Buildings 2. African 15. India Bonds 51. 12 s. to 14 s. Prem. Three per Cent. ditto 31. 13 s. Premium. South Sea Bonds 41. 11 s. to 12 s. Prem. New Bank Circulation 51. 7 s. 6 d. Prem. Salt Tallies 3 1-half to 4 Prem. English Copper 21. 1 s. Welsh ditto, Books shut. Three 1-half per Cent. Exchequer Orders 3 per Cent. Premium. Million Bank 110.

Excise-Office, London, Dec. 29, 1735.

By Order of the Honourable Commissioners of Excise, on Thursday the 8th of January will be exposed to Sale in their Court Room in the Old Jury, at 3 o'Clock in the Afternoon, several Parcels of condemn'd Bobba and Green Tea, Coffee, Chocolate, Brandy, Rum, Geneva, and Cordial Waters; which may be viewed Monday and Wednesday the 5th and 7th of January, at the Excise Office, and at the Warehouses near the Custom-House, from 9 to 12 in the Morning, and from 2 to 5 in the Afternoon, and on the Day of Sale from 9 to 12 in the Forenoon.

Printed Allotments of the Particulars will be delivered at the said Office on Monday the 5th of January.

THE Gentlemen who were Educated at Mr. Fletcher's School at Ware, have appointed their Annual Meeting to be at the Hoop and Griffin Tavern in Leadenhall-street, precisely at Six in the Evening, on Thursday next the 8th of January.

N. B. Tickets at Half a Crown each, may be had at Mr. Cruden's, the Queen's Bookfeller, under the Royal Exchange, or at the Bar.

Shortly will be Published,
SOME Considerations on the State of the Nation.



At a Cellar under my House (late the Ribbon Cellar) and in a Cellar adjoining, are
To be SOLD,

AS fine old Jamaica Rum, and Coniac Brandy, as has been landed at the Port of London for many Years, WARRANTED entire neat, at 7 s. 6 d. per Gall delivered at the Cellar Door; but in no less Quantities than 5 Gallons, all under at 8 s. per Gallon.

As also a Parcel of superfine old Battavia Arrack, at 11 s. per Gall.

Buy and Sell for ready Money only.

PUNCH made of the said most excellent Brandy, Rum, and Arrack, to the greatest Perfection, by

JA. ASHLEY.

Dr. ROBERT EATON'S
BALSAMICK STYPTICK.

Truly prepared and sold at the Doctor's late Dwelling House, now Mr. DUTTON's in Salisbury Court, Fleet-street.

THIS Medicine restrains in a most surprising Manner, all internal as well as external Hemorrhages, i. e. it intallibly and quickly stops all dangerous Bleedings at the Nose or Gums, spitting or vomiting Blood; also the immoderate Flux of the Hemorrhoides or Menstrue, bloody Urine or Stools, bleeding of large Wounds, &c. (if used according to the plain Directions given with it) as will appear by the Certificates of several Eminent Physicians, and in the large Account of this Medicine, written by the Doctor himself, and dedicated to the College of Physicians a little before his Death.

It keeps good for many Years at Sea, or on Shore, at Home or Abroad, i. e. in all Climates, therefore must be universally Useful.

The Doctor not only obtained his Majesty's Letter Patent for the sole Vending of this most Excellent Medicine, but also a Clause in a late Act of Parliament, exempting this Medicine from the Inspection of the Censors of the College of Physicians, to which all other Medicines are liable.

N. B. Some of the Apothecaries prepare a Styptic from a Prescription of Helvetius, and use it in the Room of Dr. EATON'S; but whoever tries both, will soon be persuaded that Our's exceeds theirs in all Respects, in a most eminent Degree.

Sold, by Licence, at Garraway's Old Shop, Practical School, at the Royal Exchange; Mr. R. Bradshaw's Warehouse behind the Royal Exchange; Mr. John Potter, Chymist, in Bartholemew Close; Mr. William Evans, Bookfeller in Bristol; Mr. Hammond, Jun. Bookfeller at York; Mr. Roe, Bookfeller in Derby; Mr. Raikes, Printer in Gloucester; Mr. Dyer, Printer in Northampton; Mr. Thomas Greenhill, Mercer, at Bath; Mr. Abree, Printer, at Canterbury; Mr. Houghton, an Apothecary at Kidderminster; Mrs. Trobridge, a Shop-keeper in Exeter; Mr. Hallifax, an Apothecary at Stratley; Mrs. Unett, a Bookfeller, at Woburnhampton, and Mr. Bryan, a Printer, at Worcester.